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March 9, 2018

Hon. Lorna G. Schofield
U.S. District Court
500 Pearl Street
New York, NY 10007

Re: Ortiz v. Todres & Co., 15 CV 1506 (LGS)

Dear Judge Schofield:

The parties in the above matter write to update the Court on the status of this matter, and, in accordance with the section I.B.2 of the Court's Individual Rules, to respectfully request an 60-day adjournment of the case management conference now scheduled for March 14, 2018 at 10:30 AM. This is to allow each party to review the forthcoming deposition transcripts and documents produced in discovery; determine whether dispositive motions will be made; and, in that event, file pre-motion letters 10 days before the conference in accordance with section III.A.1 of the Court's Individual Rules.

By order of Judge Aaron on February 13, 2018, discovery was extended to March 9 with any further extension to be granted only for a limited purpose and for good cause shown (ecf no. 66). Defendant Todres & Co. took the deposition of the plaintiff, Herman Ortiz on February 22, and plaintiff took the deposition of Todres & Co. personnel Steven Cooperberg and Tom Kelly on March 5, and the deposition of third party witness New York College of Health Professions on March 8. By order of Judge Aaron on March 6, discovery was extended for the limited purpose of rescheduling the deposition of the defendant's principal, Michael Todres, originally set for March 7, for good cause because of the snowstorm on March 7 (ecf no. 73); the deposition is now scheduled for Monday, March 12.

Plaintiff has not yet received the transcript of his deposition, and plaintiff's court reporter advises it typically takes 8 to 10 business days to provide transcripts. On receipt of the respective transcripts the witnesses are to be allowed 30 days to review. Counsel also need time to review the testimony and documents produced, and perform any needed research, in order to determine whether they will make any dispositive motions and to provide the Court with 10 days' notice of any such motions in advance of the conference in accordance with section III.A.1. of the court's Individual Rules. The parties therefore respectfully request that the pretrial conference be adjourned to May 14, 2018, or such other date as the Court may order.

Hon. Lorna G. Schofield

March 9, 2018

page 2

There has been no previous request to adjourn the interim pretrial conference, and the requested adjournment does not affect any other scheduled dates in this case.

Thank you for your attention to this matter.

Sincerely yours,

McINNIS LAW

By: /s/

Richard F. Bernstein

Attorneys for plaintiff

MORTON S. MINSLEY, ESQ.

 /s/

Morton S. Minsley

Attorneys for defendant